

**MINUTES OF THE REGULAR MEETING
MASSILLON CITY COUNCIL
HELD MONDAY, APRIL 19, 2021**

COUNCIL PRESIDENT ISTNICK – Welcome to the Massillon City Council Meeting for Monday, April 19, 2021. We have in attendance with us the following city officials: Mayor, Kathy Catazaro-Perry, Safety Service Director, Barb Sylvester, Chief Counsel, Bill Bartos, Chief Engineer, Jason Popiel, Community Development Director, Samantha Walters, Economic Development Director, Dave Maley, Fire Chief, Matthew Heck and Health Dept. Commissioner, Terri Argent. Under item #5 on the agenda is where the public can speak on any item that appears on tonight's agenda and then under item #17 is where the public can speak on any item that does NOT appear on tonight's agenda. I'd like to remind all of you that if you are not speaking, please mute your mics so that we can hold all the background noise to a minimum.

COUNCIL PRESIDENT ISTNICK – Roll call.

1. ROLL CALL

Roll call for the evening found the following Council Members present: Jill Creamer, Mike Gregg, Ted Herncane, Ed Lewis, Linda Litman, Mark Lombardi, Jamie Slutz, Megan Starrett and Jim Thieret.

Roll call of 9 present

COUNCIL PRESIDENT ISTNICK – Thank you. All present and accounted for. Councilman Slutz.

2. INVOCATION

COUNCILMAN JAMIE SLUTZ

3. PLEDGE OF ALLEGIANCE

LED BY COUNCILMAN SLUTZ

COUNCIL PRESIDENT ISTNICK – Thank you, Councilman Slutz.

4. READING OF THE JOURNAL

COUNCIL PRESIDENT ISTNICK – Madam Clerk are the minutes of the previous meeting transcribed and open for public viewing?

COUNCIL CLERK ROLLAND – Yes, they are.

COUNCIL PRESIDENT ISTNICK – Are there any additions or corrections to be made?

COUNCIL CLERK ROLLAND – No, there are not.

COUNCIL PRESIDENT ISTNICK – Thank you. Then the minutes stand approved as written.

5. REMARKS OF DELEGATIONS AND CITIZENS TO MATTERS ON THE AGENDA

6. NEW AND MISCELLANEOUS BUSINESS

COUNCIL PRESIDENT ISTNICK – Mayor, did I hear that you wanted to speak regarding amending the agenda?

MAYOR CATAZARO-PERRY – Yes, one of the reasons, Council and Madam President, that you're getting this tonight is because we found out about this (Res. No. 5 – 2021) on Friday, this past Friday. So, what we've learned is that the House put this quickly into the Budget Bill and had a couple of hearings on it, but nobody knew about it, I think they learned about maybe on Thursday and then created a meeting with the Health Commissioners on Friday and that's when we learned about this. So, we scrambled this morning to put together this resolution because they are going to vote tomorrow, is our understanding and that's why we're asking for consideration this evening to eliminate our Health Dept. for cities with 50,000 population or less. Now I hope that you all know what great work our Health Dept. does in the City of Massillon, especially during a pandemic to move to eliminate. Now of course, it needs to go on to the Senate. We've already reached out to our local representatives and spoke with them, but this really was kind of hidden in the budget and we just learned about it and so, this is really an important message to send down before the vote tomorrow, that we need our Health Dept. here in the City of Massillon. If it would move forward and vote on this, our residents would have to go to Stark County Health Dept. for their care and I don't know if you know, but, that would eliminate our WIC Program. Our people have a difficult time just traveling to Massillon to receive their benefit versus going clear to Stark County. Also, immunizations for children would have to be moved out there and with much savings for our families because we don't charge what a pediatric office charges. Let alone having a nurse and everyone right here in our community where we do inspections for schools as well as inspections for our businesses here, our restaurants right here and we would lose that to the County and then, who knows what the turnarounds are going to be for those items. The Governor had asked us to go through the accreditation process and our City Health Dept. has done that during COVID and so, this is just vital that we have a Health Dept. We would not be asking this consideration unless this was just dropped on us and which it has been on Friday and we've been working throughout the weekend and all morning long to come up with a resolution for you all to consider. So, if you have any questions, I'd be happy to answer those and I think Terri Argent is on the line as well.

COUNCIL PRESIDENT ISTNICK – Councilman Lombardi.

COUNCILMAN LOMBARDI – Thank you, President Istnick. Madam Mayor, I have to disagree with the timing on this because this was sponsored by Scott Oelslager according to the State of Ohio Legislative site. It was introduced on February 17, 2021.

DAVE MALEY – Mr. Lombardi, it was introduced, the budget is a several month process and I believe it was amended. What they do is they added amendments in the finance committee. They have subcommittees that work on different sections of the budget and then they put those amendments etc., into the budget in the committee process. Tomorrow, from our understanding, is that they will be accepting amendments to the budget that we're speaking of in the finance committee. What we understand is that there will be an amendment to try to

take that language out which we are opposing. If it's successful, then it will not be a part that will go to the floor, but if it is part of the bill and they can't get it out tomorrow and the finance committee, it will go to the floor on Thursday and once it's in, having worked in the legislature for a number of years, once it's in it'll be harder sort of, to get out. We obviously don't want it in when it passes the House because the version that they'll be looking at when they deal with conference committee. But, that language was not in the bill, Mr. Lombardi, when it was introduced initially.

TERRI ARGENT – The Association of Ohio Health Commissioners called an emergency meeting on Friday and that's the first we've heard about this. That's why it is so rushed with the vote being tomorrow, but it may have been introduced as you said earlier, but we just found out about it on Friday.

MAYOR CATAZARO-PERRY – In addition, we have found out that there are members that are in opposition to this and we do understand that there may be an amendment offered tomorrow and that's why this is crucial to get our thoughts and feelings and sentiments sent down to Columbus so they know where we are and speaking to our legislators locally at the State level, they want to have this type of document if we are opposing this measure. So, that's all I have and if you still have questions, Terri's on and I'm here to answer those questions.

COUNCIL PRESIDENT ISTNICK – Councilwoman Creamer.

COUNCILWOMAN CREAMER – I have some concerns since this was sent out late this afternoon and our meeting a few hours after. So, if they're proposing, this HB to abolish health departments with citizens less than 50,000; if that's what I'm understanding, what are they proposing in replacement? This is big, I understand the magnitude of this, but, if you're asking me to vote on something and I don't have all the facts in front of me, what they're proposing to replace. I understand this program, the transportation issue, but until I know what they're proposing to replace it with, I'm going to sit back on this item. If anyone can tell me, what they are proposing to replace?

MAYOR CATAZARO-PERRY – Well, according, Terri, please help me here, but they are not going to take that away, Mrs. Creamer. They're going to have our community go to the County Health Dept. and so, they'll give out those benefits from there which is located in Belden Village. That is just a barrier for our community to be able to access, transportation to get there and Terri will tell you, they have difficulty getting to their appointments that we have and it's just very, very important that we have a local health dept. and Terri, please add any additional information.

TERRI ARGENT – Yes, the wording in the bill is "transfer duties and powers of the Board to the Board of the General Health District which is Stark County Health Dept. So, Massillon wouldn't have a replacement. Everything would be absorbed by the county health dept.

COUNCILWOMAN CREAMER – So, would they propose like a mobile health dept. to go out to communities like ours for individuals that don't have transportation? That's what I'm trying to get a handle on. Just wiping away this benefit to the city, I do understand is very significant. But, just having everybody go to the county health dept. is going to be overwhelming for that department. So, are they proposing something else? A mobile health dept. could go to cities

that they're wanting to abolish health depts. I guess that's the part; I don't have answers and I need to understand.

TERRI ARGENT – I understand that too and in this bill, there's nothing about that. About how it's going to happen. The very last sentence of the bill is "the total impacts are unknown". It does not say how these areas are going to be served.

COUNCIL PRESIDENT ISTNICK – Councilman Thieret.

COUNCILMAN THIERET – Thank you. That's the essence of my question too. Who can say that we can't have a health department in our city? That's seems to be over stepping the boundaries. I think it's arbitrary to say "no, you're not allowed to have your own health department?".

DAVE MALEY – Mr. Thieret, yes they can.

COUNCILMAN THIERET – Really.

TERRI ARGENT – That's why we're opposed to it too, at this point.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Yes, I was just going to point out but I believe we also receive funding from the State to offset some of the costs. So, one way that they can do it is just by funding us. Not only that, but the City is a creature of the State, so we operate under their allowances.

COUNCIL PRESIDENT ISTNICK – Councilwoman Litman.

COUNCILWOMAN LITMAN – Thank you, Madam President. I just wanted to make a comment. I too agree that it's not the best case scenario that the Request for Legislation was brought to us last minute, however, with a House Bill of this magnitude to disrupt our health and safety of our citizens I think is horrendous. I think that we should be a little more responsive to these types of things. Again, not that this would be something that would occur on a regular basis, but because this is brought to our attention of Administration a little bit later than they would have liked brought to our attention, much later than we would have liked, it still doesn't take away the fact that there is going to be a vote tomorrow and I think for municipalities of our size to not have a health dept. would be detrimental and to request our citizens to go outside of our community to Stark County, I just don't think that...there would be a significant number of underserved individuals. So, I would ask, at this point, and we all will agree that this is not exactly how we like to have Administration bring these types request to us, but when we're looking at losing a health dept., I think it's something that we need readily on.

COUNCIL PRESIDENT ISTNICK – Councilman Thieret.

COUNCILMAN THIERET – Thank you. One more question; Councilman Lewis mentioned State funding. What portion of the Health Dept. budget is State funding and what portion is ours, because I know we have a say so in there.

TERRI ARGENT – I can answer that. We do get a regular stipend from the State yearly and that's only \$8,000. Now we have gotten a lot of money lately for COVID response, so, we did get quite a bit more than that. But, it's basically locally funded. So, the taxpayer's money, instead of coming into Massillon and staying in Massillon, would go to North Canton, the Stark County Health Dept.

COUNCIL PRESIDENT ISTNICK – Councilman Thieret.

COUNCILMAN THIERET – Why? Doesn't that come through our budget? The money that we spend on the Health Dept., isn't it in the City's budget?

TERRI ARGENT – I believe so, yes.

COUNCILMAN THIERET – Well, they can't stop us from spending money where we don't spend it; and for \$8,000? That's a minimal fraction of what we spend in the Health Dept., isn't it?

COUNCILMAN LEWIS – Mr. Thieret, I would have to look a little more detailed in the budget to recall exactly, but Ms. Argent, you can help me out a little bit, like the WIC Program, that is a federally, state-funded program, correct?

TERRI ARGENT – Yes, it is.

COUNCILMAN LEWIS – And you have benefits and maybe a little bit of salaries that are covered by that?

TERRI ARGENT – Yes, that's right.

COUNCILMAN LEWIS – So, the entire WIC Program could get pulled out from under you?

TERRI ARGENT – Yes.

COUNCILMAN LEWIS – And then other things; they could also remove our authority to get to go into a business and check its kitchen. We don't have the authority of the state to check a kitchen of a restaurant and we can't bring in the revenue that we get for doing our health inspections.

COUNCILMAN THIERET – I thought that was through Building and Code.

TERRI ARGENT – No. The duties and powers, it says here, would go to the County.

COUNCILMAN LEWIS – Okay. They would withdraw our allowance to be able to do that.

COUNCILMAN THIERET – That's got to be against the Constitution, I'm sorry.

COUNCIL PRESIDENT ISTNICK – Councilwoman Starrett.

COUNCILWOMAN STARRETT – Thank you, Madam President. I think that is the point to vote for this resolution to oppose this legislation because nobody wants to see that authority taken away from the City. The Health Dept. is a vital part of this City and I think we need to

protect it. So, I understand that it is something that is last minute, but I think, like Ms. Litman said it eloquently, it is not the best way for it to come forward, but it is what it is and I think it's something we should act upon.

COUNCIL PRESIDENT ISTNICK – Councilwoman Creamer.

COUNCILWOMAN CREAMER – Yes. Can Administration tell me, how many health departments within the State will this affect?

TERRI ARGENT – I can answer that and only partially because members of the Association of Ohio Health Commissioners, there's at least 25 small health departments that would be affected by this. Now there could be more that are not members, so, it could be as high as 30; but I know for sure that there are at least 25 small health departments that would be affected by this.

COUNCILWOMAN CREAMER – Thank you.

COUNCIL PRESIDENT ISTNICK – Anyone else?

MAYOR CATAZARO-PERRY – Madam President, may I say one more thing, please?

COUNCIL PRESIDENT ISTNICK – Go ahead, Mayor.

MAYOR CATAZARO-PERRY – We were just as frustrated, Councilmembers as you are tonight when we received this message on Friday. So, I understand your frustration, but we share that with you. We don't like to get these things on a Friday afternoon either, but we did and we still have to address it even though we're frustrated, we still have to address this issue because our Health Dept. is so very important. Terri has done an outstanding job with her staff throughout this COVID pandemic. Imagine if we have a pandemic and now we don't have a Health Dept. in the City of Massillon and we have to count on the County to give us our orders. It really is vital that we continue to have a Health Dept. in this City and so I ask that you, I know you're frustrated, but I ask that you please put that aside and look at the bigger picture of, if we don't, they're going to think that Massillon doesn't care about a health dept. because they didn't hear from us and so we have to act swiftly to be able to share our feelings with the General Assembly.

COUNCIL PRESIDENT ISTNICK – Thank you. Anyone else? Councilman Lewis.

COUNCILMAN LEWIS – Roll call for a vote, I guess, Madam President.

COUNCIL PRESIDENT ISTNICK – Okay, roll call.

5 yes; 4 no to amend the agenda to include Res. No. 5 – 2021-Herncane, Lombardi, Slutz and Thieret voted "no"

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. The agenda has been amended to include Res. No. 5 – 2021.

7. INTRODUCTION OF ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 77 – 2021**BY: COMMUNITY DEVELOPMENT COMMITTEE**

AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio, to enter into an agreement with Greatness Cafe to provide an economic development “inducement grant” to fund start-up costs including build-out, equipment, etc., at the property located at 121 Lincoln Way E., Massillon, Ohio.

COUNCIL PRESIDENT ISTNICK – Councilwoman Starrett.

COUNCILWOMAN STARRETT – Thank you, Madam President. First reading.

COUNCIL PRESIDENT ISTNICK – Thank you, Ord. No. 77 – 2021 has received first reading. Ord. No. 78 – 2021.

ORDINANCE NO. 78 – 2021**BY: COMMUNITY DEVELOPMENT COMMITTEE**

AN ORDINANCE approving an application for assistance under Title I of the Housing and Community Development Act of 1974, as amended, including the Consolidated Plan and Annual Action Plan; authorizing the execution and filing of the application and related assurances and certifications, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilwoman Starrett.

COUNCILWOMAN STARRETT – Thank you, Madam President. First reading.

COUNCIL PRESIDENT ISTNICK – Thank you. Ord. No. 78 – 2021 has received first reading. Ord. No. 79 – 2021.

ORDINANCE NO. 79 – 2021**BY: COMMUNITY DEVELOPMENT COMMITTEE**

AN ORDINANCE amending the Zoning Map of the City of Massillon, Ohio, by rezoning certain property from B-3 General Business District to I-1 Light Industrial District.

COUNCIL PRESIDENT ISTNICK – Councilwoman Starrett.

COUNCILWOMAN STARRETT – Thank you, Madam President. Just for every Councilmember’s information, this is the rezoning of the K-Mart property. We were given an additional, more detailed map of the rezoning piece that we were waiting on. I will be just giving this first reading so we can have additional discussion. First reading.

COUNCIL PRESIDENT ISTNICK – Thank you. Ord. No. 79 – 2021 has received first reading. Ord. No. 80 – 2021.

ORDINANCE NO. 80 – 2021**BY: STREETS, HIGHWAYS, TRAFFIC AND SAFETY COMMITTEE**

AN ORDINANCE granting a waterline utility easement on property that is owned by the City of Massillon, Ohio, and is used as part of The Legends of Massillon Golf Course, to Aqua Ohio, Inc., and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Thieret.

COUNCILMAN THIERET – Thank you, Madam President. After looking at the agreement and a little bit of discussion and I would invite the rest of Council on this too before we send any announcement; I asked the Law Dept., particularly Bill Bartos to look at this agreement with Aqua Ohio and if someone could assure us that we are protected from any further issues with the golf course by this plan and I see that now that they have redrawn it and moved it down the fairway ways that if Mr. Bartos and share with the rest of Council to discuss this before we do it.

COUNCIL PRESIDENT ISTNICK – Mr. Bartos.

BILL BARTOS – Thank you, Madam President. There are a couple of, with these easements and especially utility easements of this kind, obviously you can't cover everything, but, there are a number of areas where I believe that this item can be tightened up. Especially given the sensitive nature of the area where the easement is located, that being the golf course. So, I'm going to take a closer look at this and propose a few edits to Aqua. I know there's a representative from Aqua on the call and I've already spoken to Jason about this to add some additional language just to protect the City. Obviously, like I said, can't cover everything, can't take away with them, but, just a couple additional provisions to make sure that if there's a main break, if there's some post-construction issues, maybe flush out the turn of green to expand it to also cover fairway. We can agree that not only them crosses greens but also some fairways if you would actually look at the overhead. Just some initial ideas for passing this information. If there's any questions, I'd be happy to address them.

COUNCIL PRESIDENT ISTNICK – Councilwoman Litman.

COUNCILWOMAN LITMAN – Thank you, Madam President. I know that there has been some significant and I'll say compromise that has occurred over this week regarding an initial design for the easement and now there is a change in that easement. Keith Nutter from Aqua Ohio is on the call this evening. I'd like to give him the floor to further describe to us what those changes are and what his conversation was with the golf groundskeeper as well as Carrie at the golf course. Would I be able to do so?

COUNCIL PRESIDENT ISTNICK – Yes, give me one second. Councilman Thieret.

COUNCILMAN THIERET – I'd prefer that our Committee speaks first, please.

COUNCIL PRESIDENT ISTNICK – Go ahead.

COUNCILMAN THIERET – Thank you.

COUNCIL PRESIDENT ISTNICK – Anyone from that Committee want to speak?

COUNCILMAN THIERET – Ms. Creamer or Mr. Slutz? Go ahead, Mr. Nutter.

KEITH NUTTER – Yes. Good evening. We, my construction coordinator, Jacob, he actually went outside and met with the groundskeeper. We understood the concern of going underneath the green, so, we did go farther to the north to be able to go underneath fairways so that we're not impacting the greens. The other part of this is we were trying to hurry up and get this done sooner, but talking to the groundskeeper, because where we're going to be, he

has no real concerns about getting it done by, I think we're looking at June 4th; but because we are, he's okay letting us basically anytime this year getting it done. So, I understand you want to look at the easement and we'll take under advisement any comments that you make. So, there is no real push to get it done right now. If we need another couple of weeks to work this out; it's money in this year's budget, so I'd like to spend it sometime in 2021. It's part of 13 million dollars that Aqua's spending in the community to be served in 2021 alone. So, it's a lot of so we don't like to let things dangle too long before we get it done.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – I was just going to say with our questions regarding the legal commitments that Mr. Thieret had and Mr. Bartos spoke to and then Mr. Nutter's comments that if Mr. Thieret could be able to just give it first reading and pick it up at our next Work Session.

COUNCILMAN THIERET – That was my intention, if there's no objection, that's what we'll do.

COUNCIL PRESIDENT ISTNICK – I have a question; what hole is that?

KEITH NUTTER – I don't know; I think it's 8, maybe.

COUNCILWOMAN CREAMER – I believe it's 4 north, if I recall from the information that's in front of me.

COUNCIL PRESIDENT ISTNICK – Okay. Councilman Thieret.

COUNCILMAN THIERET – I'd like to give Ord. No. 80 – 2021 first reading.

COUNCIL PRESIDENT ISTNICK – Thank you. Ord. No. 80 – 2021 has received first reading. I have one more question; once the project has begun, how long do you anticipate it taking?

KEITH NUTTER – Probably just a couple of weeks. Maybe three weeks because we have to do some extra work that's being done on the sides before direct drill under the fairways.

COUNCIL PRESIDENT ISTNICK – Okay. Having a league out there, whether you're going through the fairway or not, it's going to be a mess.

KEITH NUTTER – It is on the outside. We're trying to stay on the outside of the park path. So, we're very close to the outside of the park path; trying to stay out of the way of the golfers and the groundskeeper said that they'll just make sure that people know we're working there and our guys wear hardhats.

COUNCIL PRESIDENT ISTNICK – Thank you. You've never seen my golfing. My ball will go into the mud. Thank you. Ord. No. 81 – 2021.

ORDINANCE NO. 81 – 2021

BY: FINANCE COMMITTEE

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1100 General Fund for the Massillon Fire Department, for the year ending December 31, 2021, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Yes, as this shows, this is a \$8,848.80 appropriation for supplies and materials. They were previously spent for the purchase of CPR equipment and we got this from a FEMA grant. If there is no discussion, I would move this forward tonight. I make a motion that we suspend the rules requiring three readings, bringing Ord. No. 81 – 2021 forward for a vote.

COUNCIL PRESIDENT ISTNICK – Seconded by Councilwoman Starrett. Roll call for suspension.

9 yes for suspension

COUNCIL PRESIDENT ISTNICK – And for passage.

9 yes for passage

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 81 – 2021 has passed. Res. No. 5 – 2021.

RESOLUTION NO. 5 – 2021

BY: COMMITTEE OF THE WHOLE

A RESOLUTION opposing the provisions contained in Sub. HB 110 that will abolish health districts in Ohio cities with populations less than 50,000.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Given the vote that has taken place to put it on the agenda, if all votes remain the same, we would not meet the standard to suspend the rules to have a vote this evening. So, unless any members of this Council would like to suspension, it would be pointless to even do a rollcall if all votes were to the same as the way they were earlier. So, I would open it up for discussion again as to whether or not we will be moving forward.

COUNCIL PRESIDENT ISTNICK – Councilwoman Starrett.

COUNCILWOMAN STARRETT – I guess at this point it becomes mute tomorrow, so, to suspend the rules and to vote on it would be the smartest thing to do, if that's up to Council members because we either vote "yes" or we vote "no" and then by tomorrow this is going to be useless.

COUNCIL PRESIDENT ISTNICK – Councilwoman Litman.

COUNCILWOMAN LITMAN – Thank you, Madam President. I think I would just like to reiterate the ramifications of not disagreeing with HB to again, look for our underserved individuals who use our Health Dept. and I'm not even just saying about the pandemic, but in general. I think the Health Dept. does a lot for our City, for our schools, for our restaurants, for ourselves and that we look at our Health Dept. as a resource to go to when we are looking for the understanding of what the pandemic ramifications were for the restrictions that needed to be applied to our restaurants and gathering places. So, again, I just would urge Council

members to, at this point, to overlook the mechanics of this that no one is happy with, but to look at the issue itself and hopefully, we will be a dynamic Council that we can set those things aside and look at the issue itself. Thank you.

COUNCIL PRESIDENT ISTNICK – Councilman Thieret.

COUNCILMAN THIERET – The issue isn't even the mechanics. It's the whole logistics of it. There's no doubt that we want our Health Dept., that's not the issue. It's just the way that this is coming about, call it mechanics is you want. So, we're going in here blind. We have no idea what the verbage is except for a few sentences here and there and we haven't donned our community to even being able to comment on things. It just seems trying to force an issue that as Mrs. Starrett says, may be moved tomorrow.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – The only thing I want to point out and I understand, yeah, there's not a lot of information there, but this has happened quickly within the last week. First off, it's a resolution, it's not an ordinance. You're not making City law. We are not directing any kind of obligation on the part of the City when we vote. There's no financial implications to it, there's no timing practices or policies or procedures that we are forcing the hand of the Administration or any other department of the City. It is simply a recognition of this body saying that we value our Health Dept. and we would oppose anything coming out of Columbus that would cause us to have to get rid of it. That's all its saying end of short and without passing something like this, then our voice doesn't save it and if Columbus moves forward and averts to abolish our Health Dept., the City of Massillon will not on the record for saying that they opposed that and by absence of showing opposition when an opportunity is presented then it gives an impression that either we are not caring or in favor of it and that's the concern. And considering that we are a community that is less than four years since we lost our hospital that provided medical care to our people, I would say that if you also lose your Health Dept. that is not the direction our City wants to go. So, my point of difference is not over, do I have enough information or not; it's simply me saying, I want our Health Dept. I think it has value, Columbus is talking of having a conversation that would remove that from us and I oppose that conversation and that's all its saying.

COUNCILMAN GREGG – Madam President.

COUNCIL PRESIDENT ISTNICK – Yes, go ahead, Mike.

COUNCILMAN GREGG – I just want to put on the record that I agree wholeheartedly with Mr. Lewis. I don't see the upside to not voting on this tonight, but the downside is that, as he said, then we are saying that we don't care or we are not going to take initiative to save our Health Dept. and I'm surprised that any member of Council would rather that our Health Dept. be offered through the County rather than through our home and I know this is not voting on whether that happens or not, but at least we're saying that we care about our Health Dept. and we want it to remain run by our own City, our own entity and not by a greater government body by it the County or the State. So, as Mr. Lewis said, this is not an ordinance, we're not passing any law, we're not instructing the Mayor or Administration to do or say anything; we're just saying that we support our Health Dept. and I can't imagine anybody not wanting to do that. Thank you.

COUNCIL PRESIDENT ISTNICK – Councilwoman Starrett.

COUNCILWOMAN STARRETT – Thank you, Madam President. I do agree with Mr. Lewis that this merely is a resolution that we are stating our opinion and I think some Council members are more hung up on the procedural aspect of it; that we did get it last minute. But, we've had extensive conversation about this tonight and I don't feel there is much of a difference between conversation about this at a Council meeting or at a Work Session. Honestly, we've had many constituents say to us over the years, they prefer us to have these conversations prior to voting instead of at a Work Session because most citizens tune into this meeting, not the Work Session. So, what is the difference between had we had it at a Work Session or we have it next week at a Work Session or last week at a Work Session or getting the information that we have tonight and making a decision tonight. Again, this is not something that we're guiding the City in doing anything, there's no budgetary implications, no employment implications. We are just stating an opinion and I think that we should move forward it and vote tonight. We're having these conversations as we normally would in a Work Session. The procedural issues, yes, it is not ideal that we get it last minute, but then we flush these things out in a meeting, I think at some point we need to stop and say, okay, let's just look at the actual resolution before us and vote on it based on what the content of the resolution is and what we've learned tonight rather, well I don't like that we got it last minute.

COUNCIL PRESIDENT ISTNICK – Councilman Herncane.

COUNCILMAN HERNCANE – Thank you, Madam President. This isn't necessarily about the resolution, but it is about the Health Dept. Was the position that we created a couple of months ago filled in the Health Dept., the new one we created?

TERRI ARGENT – Yes, that was filled.

COUNCILMAN HERNCANE – Who did you hire for that?

TERRI ARGENT – Anita Combs.

COUNCILMAN HERNCANE – Thank you.

COUNCIL PRESIDENT ISTNICK – Anyone else?

COUNCIL CLERK ROLLAND – Madam President.

COUNCIL PRESIDENT ISTNICK – Yes, Diane.

COUNCIL CLERK ROLLAND – I'm speaking as a private citizen of the City of Massillon, Ohio.

COUNCIL PRESIDENT ISTNICK – Okay.

COUNCIL CLERK ROLLAND – I could not imagine our city not having a Health Dept. My children went through the WIC Program, here in the City of Massillon. I realize that this was last minute and I did the leg work, paperwork, what have you to get this on our agenda or to amend our agenda to get this on tonight, but I could not imagine the City of Massillon, Ohio, without a Health Dept. And so I urge my Council members to consider the City of Massillon

without a Health Dept. I recently had a death in the family and it was convenient to go the Massillon City Health Dept. to obtain a death certificate instead of having to go to Canton, to Belden Village to obtain a death certificate. Two years ago I had to obtain a birth certificate for my son and it was convenient to go to the Massillon City Health Dept. to obtain that birth certificate. So, as a private citizen of the City of Massillon I urge my Council members to uphold and stand by our Massillon Health Dept. Do you realize how many children that will be affected by this change of administration through the State of Ohio? There are people that can't even get to the Massillon Health Dept. by bus. Can you imagine them trying to get to the Health Dept. by bus in Belden Village? I'm stripping the title of Clerk of Council from my name and I'm just speaking as a private citizen of the City of Massillon, Ohio, where I pay taxes to consider at a last minute notice to keep the Health Dept. of the City of Massillon in the City of Massillon.

COUNCIL PRESIDENT ISTNICK – Anyone else on Council? Councilman Lewis.

COUNCILMAN LEWIS – I make a motion to suspend the rules requiring three readings, bringing Res. No. 5 – 2021 forward for a vote.

COUNCIL PRESIDENT ISTNICK – Seconded by Councilman Gregg. Roll call for suspension.

9 yes for suspension

COUNCIL PRESIDENT ISTNICK – And for passage.

9 yes for passage

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Res. No. 5 – 2021 has passed.

8. UNFINISHED BUSINESS

COUNCIL CLERK ROLLAND – Yes. My copier.

COUNCIL PRESIDENT ISTNICK – What do you need to get to proceed with that?

COUNCIL CLERK ROLLAND – You gave me an email today after I sent you the information from Copeco and you said for me to go for it. So, I'm going to do that tomorrow.

COUNCIL PRESIDENT ISTNICK – Okay. Thank you. Anyone have any questions on that?

9. PETITIONS AND GENERAL COMMUNICATIONS

A Request for an Economic Transfer (Trex) of a Liquor License from Magoo Properties, LLC, DBA The Shoppes at Wagram Center located at 12990-98 National Road S.W., Etna Twp., Pataskala, OH 43062 to Ventura Communications, Inc., located at 45 – 1st St. N.W., Massillon, OH 44647. Permit classes are D1 and D2 and is located in Ward 2.

COUNCIL PRESIDENT ISTNICK – Did Ward Councilman receive this?

COUNCILMAN THIERET – He did and has just one small question.

COUNCIL PRESIDENT ISTNICK – Go ahead.

COUNCILMAN THIERET – I'm going to assume that it's not actually the Ventura Communications. It's probably the Margarita Bar or whatever it is today. I can't imagine there could be drinking and dancing in the cell phone store.

COUNCIL CLERK ROLLAND – Councilman Thieret, it's going to the Print Bar down where TIG Catering used to be.

COUNCILMAN THIERET – That's what I thought. Thank you.

COUNCIL PRESIDENT ISTNICK – Anyone else?

10. BILLS, ACCOUNTS AND CLAIMS

11. REPORTS FROM CITY OFFICIALS

Treasurer's Report - March 2021
Auditor's Report - March 2021

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – I make a motion that we accept the Auditor's Report.

COUNCIL PRESIDENT ISTNICK – Seconded by Councilwoman Starrett. Roll call.

9 yes to accept the Auditor's Report

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. The Auditor's Report has been accepted.

12. REPORTS OF COMMITTEES

COUNCIL PRESIDENT ISTNICK – Our next Work Session will be Monday, April 26, 2021 at 6:30 p.m. in Council Chambers?

COUNCIL CLERK ROLLAND – Hopefully.

13. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBERS

MAYOR CATAZARO-PERRY – Madam President.

COUNCIL PRESIDENT ISTNICK – Yes.

MAYOR CATAZARO-PERRY – Did you want me to give my report?

COUNCIL PRESIDENT ISTNICK – Sure, thank you.

MAYOR CATAZARO-PERRY – Your welcome. I wanted to tell Council one great thing today is that the ODOT approved the “punch list” today and all items that needed to be addressed have been addressed and approved. We will be soon coming out to place the furniture and new trash receptacles and benches and we are also getting proposals for the clean-up of our landscape; that is very exciting. Also, an update on the Duncan Plaza. We just announced today that we are putting out a donation initiative to tribute a loved one from our families in Massillon. You can honor a loved one with a lasting memorial or recognize a loved one or family of donations of \$1,500 or more will be acknowledged by a tree in Duncan Plaza and a plaque personalized with the loved one’s name and/or family name. We have 21 trees available on a first-come-first-serve basis and a donation of \$700 or more will be acknowledged by a hydrangea and plaque personalized with the loved one’s name and/or family name and we have 900 hydrangeas available on a first come basis. All donations will be used for future projects for the downtown. So, that was announced today. The Independent did speak with our Safety and Service Director and look for the article to come out. But we also have the forms ready as well, if there’s anyone that would like to make a donation. Next, we did a groundbreaking ceremony for the Parade of Homes in Augusta Lakes. We’re having five home in the Parade of Homes this year and Steve Smith and two other builders are building homes. I think all of them are sold but one, but we’re excited to have the Parade of Homes and working with the builders’ industry has been amazing as well. So, look for that this July. Our sidewalk program, we are up to contracts on \$49,000 and we still have through the end of April to accept contracts. So, please encourage your immediate constituents in your area and I know there are three at-large, so anyone in the City to apply for this program. Our catch basin vacuum truck has been delivered and five of our employees have been trained on it. Mass truck, the property that they purchased, transferred on Friday. Of course, everybody saw the Chloe’s Diner article in The Independent. So, that’s exciting; some time in May that’s going up, so we encourage you to go and visit. And then, finally, on Friday Patrolman Wood and his K-9 Rokie, passed their State certifications and they were on the road today and they were trained through the Vaness K-9 Academy. And that’s my report for you.

COUNCIL PRESIDENT ISTNICK – Thank you, Mayor. Any questions for the Mayor? Thank you very much.

14. CALL OF THE CALENDAR

15. THIRD READING ORDINANCE AND RESOLUTIONS

16. SECOND READING ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 69 – 2021

BY: COMMUNITY DEVELOPMENT COMMITTEE

AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio, to enter into an agreement with Kimberly & Company Salon and Boutique to provide an economic development “inducement grant” to fund expansion costs including build-out, equipment, etc., at the property located at 921 Lincoln Way E., Massillon, Ohio.

COUNCIL PRESIDENT ISNTICK – Councilwoman Starrett.

COUNCILWOMAN STARRETT – Thank you, Madam President. This is for an economic inducement grant for Kimberly & Company Salon for \$3,000. Is there any conversation or

comments tonight? Hearing none, I make a motion that we waive the rules requiring three readings and bring Ord. No. 69 – 2021 forward for a vote.

COUNCIL PRESIDENT ISTNICK – Seconded by Councilman Lewis. Roll call for suspension.

9 yes for suspension

COUNCIL PRESIDENT ISTNICK – And for passage.

9 yes for passage

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 69 – 2021 has passed. Ord. No. 70 – 2021.

ORDINANCE NO. 70 – 2021

BY: COMMUNITY DEVELOPMENT COMMITTEE

AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio, to enter into an agreement with Chloe's Diner to provide an economic development "inducement grant" to fund start-up costs including build-out, equipment, etc., at the property located at 112 – 1st St. N.E., Massillon, Ohio.

COUNCIL PRESIDENT ISTNICK – Councilwoman Starrett.

COUNCILWOMAN STARRETT – Thank you, Madam President. This economic inducement grant is for \$15,000 to Chloe's Diner. Are there any comments or questions tonight?

COUNCIL PRESIDENT ISTNICK – Councilman Thieret.

COUNCILMAN THIERET – Thank you, Madam President. I stopped by and it looks like this is really going to be another jewel in that downtown area and hopefully he stays on schedule with this improvement there and I can't wait to try it out myself. Thank you.

COUNCIL PRESIDENT ISTNICK – Anyone else? Councilwoman Starrett.

COUNCILWOMAN STARRETT – Hearing none, I make a motion that we waive the rules requiring three readings and bring Ord. No. 70 – 2021 forward for a vote.

COUNCIL PRESIDENT ISTNICK – Seconded by Councilman Lewis. Roll call for suspension.

9 yes for suspension

COUNCIL PRESIDENT ISTNICK – And for passage.

9 yes for passage

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 70 – 2021 has passed.

17. REMARKS OF DELEGATIONS AND CITIZENS TO MATTERS NOT ON THE AGENDA

L.J. DELUCA – 2954 Veterans Blvd. S.E., Massillon, OH. Hi Madam President; Diane Rolland, I appreciate you saying that as a citizen and I appreciate Pro Tem, Ed Lewis on the subject of the Stark County Health Dept. I don't know what's going on here, folks; I really don't. First we lose the hospital then we have a Police Dept. that wants to cut our patrolling officers. Now listen, the Stark County Health Dept. it's the ninth largest in our State and it serves 250,000 people. Think about what I'm saying, 250,000 people. Now that's jurisdiction is Stark County Health Dept. servicing 17 townships, 13 villages and that's what, Louisville, North Canton, Canal Fulton; now you want to put Massillon on there. I'm going to tell you something, I too have a story that I dealt with Terri Argent and her staff. My mom and dad had COVID-19 and to make a long story short, they were great and they made a great recovery and they were with us every step of the way. I have a letter here that Terri Argent, I picked it up on people here...March 30, 2020, "Dear Massillon City Businesses and Residents" from Terri Argent our Health Commissioner here in Massillon, Ohio, and Terri states that "I would like to thank all the Massillon businesses and residents to comply with the Ohio Health Dept. "stay-at-home" order, that was back then, okay and all of our residents. She did a lot there, her and her staff; absolutely awesome. I wonder how the Health Commissioner, Kirkland Norris at the Stark County Health Dept. felt about this, folks. Let me tell you something, do you want to eat at a restaurant here in Massillon, Ohio, now think about it; a lot of people, I see them every day, eat in Massillon, they eat out. I eat out every day. But that the Stark Health Dept. is going to get to them, because I mean, they're going to be bombarded. We don't have that now with Terri Argent and her staff. I'm adamantly opposed to this and I want everybody to get in action and to take care of this. The City of Massillon without a Massillon Health Dept.? I can't imagine that. My goodness folks, we're the champions here. The other day I went to Walmart to make a car payment and they move the money thing to the Customer Service. Went there and there was one Walmart associate. I'm not down on Walmart, I love Walmart. I used to be a General Manager at K-Mart. I'm not down on Walmart, but I'm thinking to myself and I'm hearing this today, what's going to happen here? We got on person here and they're lined up with 20. We can't do our health dept. like this either as well. So, I want to thank Terri Argent and our Massillon Health Dept. I want to thank the Mayor for speaking out with it and her staff and, my gosh, we cannot do away with the Massillon Health Dept. What is Columbus doing? If they want to work on some legislation in Columbus, I'll tell you what, we have litter on all our streets and highways. It cost the ODOT people, not the inmates, we have ODOT doing this. They could be fixing our roads in Massillon. Maybe these legislators need to get their butts on these roads and fix them instead of having sneaky legislation like tomorrow. Thank you, Madam President and I want to thank the Mayor because the Mayor is for this too and I want to thank Terri Argent and her staff. She's great, we love ya in Massillon and I need everybody in Massillon to get behind this. Thank you.

COUNCIL PRESIDENT ISTNICK – Thank you, Mr. Deluca. Councilman Lewis.

COUNCILMAN LEWIS – I'd like to make a motion that in accordance with Division (G)(3) of Section 121.22 of the Ohio Revised Code that we move into Executive Session that includes all members of Council including the President of Council, the Clerk of Council, the Mayor, the Director of Public Service and Safety, the Economic Development Director, Chief Counsel Bill Bartos for the purpose of conferencing with Chief Counsel Bartos to discuss pending court action.

COUNCIL PRESIDENT ISTNICK – Seconded by Councilwoman Litman. Roll call.

9 yes to enter into Executive Session

COUNCIL PRESIDENT ISTNICK – Do we just stay on?

COUNCIL CLERK ROLLAND – No, I have to go in and do a breakout session and I am going to include Herncane, Barb Sylvester, Council President, David Maley, Ed Lewis, Jamie Slutz, Jill Creamer, Jim Thieret, the Mayor, Linda Litman, Mark Lombardi, Megan Starrett and I believe that is all of us.

BILL BARTOS – Diane, this is Bill Bartos.

COUNCIL CLERK ROLLAND – Okay.

COUNCILMAN GREGG – This is Mike Gregg. I didn't hear my name.

COUNCIL CLERK ROLLAND – Okay.

COUNCIL PRESIDENT ISTNICK – So, are we exiting this?

COUNCIL CLERK ROLLAND – The ones that I have selected will be in the meeting, but the public will still be online.

COUNCILMAN LEWIS – Bill, are you a "caller"?

BILL BARTOS – Yes, I called in.

COUNCILMAN LEWIS – Can you give us your number so we can identify you?

BILL BARTOS – Yes, sure.

COUNCIL CLERK ROLLAND – I have caller-in user 3 and call-in user 4.

COUNCILMAN LOMBARDI – Diane, he's caller no. 4.

COUNCIL CLERK ROLLAND – No. 4? Okay.

COUNCIL PRESIDENT ISTNICK – Mike is on my phone.

COUNCIL CLERK ROLLAND – Okay. We should have nine people in. I've got to get Bill in here.

COUNCIL PRESIDENT ISTNICK – So, if names are still on the screen does that mean that they are in the meeting?

COUNCIL CLERK ROLLAND – Well, we're in a breakout session.

COUNCILMAN LEWIS – But once you click the breakout session, we'll go to one and we'll all be moved. Right now, you've got one caller left, that's Bill Bartos.

COUNCIL CLERK ROLLAND – Right.

COUNCIL PRESIDENT ISTNICK – Who’s William D.?

COUNCILMAN LEWIS – Should be pending.

COUNCIL PRESIDENT ISTNICK – Okay. I see Mike Gregg’s name now.

COUNCILMAN GREGG – Yeah, but I’m still frozen.

COUNCIL PRESIDENT ISTNICK – Okay.

COUNCILMAN LEWIS – Keep him with you.

COUNCIL PRESIDENT ISTNICK – Okay.

COUNCIL CLERK ROLLAND – And Bill was what?

COUNCILMAN LEWIS – He’s the only caller left. Caller No. 4.

COUNCIL CLERK ROLLAND – I’m not getting him; he’s not coming in.

COUNCILMAN LEWIS – Just call me, Bill.

BILL BARTOS – Okay, that’ll work.

COUNCILMAN LEWIS – He’ll come with me.

COUNCIL CLERK ROLLAND – Okay.

COUNCIL PRESIDENT ISTNICK – I don’t see Diane’s name up there anywhere.

COUNCILMAN LEWIS – We haven’t moved yet. Diane moved but we didn’t.

COUNCIL PRESIDENT ISTNICK – Okay.

COUNCILMAN LEWIS – Mr. Bartos, can we wait another week until we have a Work Session in person?

BILL BARTOS – I would say that there are some issues that need to be addressed that I want to talk to Council on. We could go for a week and discuss it later.

COUNCIL PRESIDENT ISTNICK – So, is everyone in contact with Diane? You said we’ll see something when she moves us?

COUNCILMAN LEWIS – It looks like Diane moved but none of us did.

COUNCIL PRESIDENT ISTNICK – Okay. My phone is being used; can somebody call her?

COUNCILMAN LEWIS – Mr. Lombardi, can you call her, since you have her number?

COUNCILMAN LOMBARDI – Wait. She’s not answering.

COUNCILMAN GREGG – Claudette, if you need to disconnect me and then call me back, that's fine.

COUNCIL PRESIDENT ISTNICK – Diane, can you hear us?

COUNCILMAN LEWIS – No, she can't.

COUNCIL PRESIDENT ISTNICK – Alright, Mike. I'll call you right back.

COUNCILMAN GREGG – Okay, thank you.

COUNCILMAN LOMBARDI – I left her a message, but she did not answer it.

COUNCIL PRESIDENT ISTNICK – Is she in Council Chambers or is she at home; Mark, do you know?

COUNCILMAN LOMBARDI – I'd imagine she'd be at home because I told her last week that we wouldn't be able to have it in Chambers tonight.

COUNCIL PRESIDENT ISTNICK – Okay. Hi, Diane. What's going on?

COUNCIL CLERK ROLLAND – I don't know. I'm trying to get everyone into the meeting. Are we not in a breakout session?

COUNCIL PRESIDENT ISTNICK – Well, you're not on the screen anymore and Ed said that we'd get a message if we were moved to the breakout session. Did you move us?

COUNCIL CLERK ROLLAND – Yeah.

COUNCIL PRESIDENT ISTNICK – I don't think you did. Do you see any of us?

COUNCILMAN LOMBARDI – There's somebody on there that shouldn't be on there.

COUNCILMAN LEWIS – At this point, President Istnick, unless everyone else opposes, I'd say that we just rescind the motion to enter into Executive Session, we end the meeting, that the Law Dept. call a Special Meeting for like Wednesday, and just have an Executive Session and then we'll just figure out how to breakout or by that time, we might be able to come down to Chambers and meet or something.

COUNCIL CLERK ROLLAND – Yes, because I put all of the participants in.

COUNCILMAN LEWIS – We're going to be here for a while trying to figure this out and this may or may not work. So, just for the integrity of the meeting, it's just probably best just to say technical difficulties and just end it.

COUNCIL PRESIDENT ISTNICK – Alright I guess we're back in our meeting again, Diane.

COUNCIL CLERK ROLLAND – Okay. I tried.

COUNCIL PRESIDENT ISTNICK – Okay. I think we're going to rescind the Executive Session motion as soon as Diane gets back on.

COUNCIL CLERK ROLLAND – Okay, I'm back.

COUNCIL PRESIDENT ISTNICK – I don't see you.

COUNCIL CLERK ROLLAND – Well, you're not. I don't have my camera on.

COUNCIL PRESIDENT ISTNICK – Okay, I see your name. Councilman Lewis.

COUNCILMAN LEWIS – Due to technical difficulties, I am rescinding my motion to go into Executive Session and we repeat the motion at our next meeting.

COUNCIL PRESIDENT ISTNICK – Seconded by Councilwoman Litman. Roll call.

9 yes to rescind Executive Session

COUNCIL PRESIDENT ISTNICK – Thank you. We are back into Regular Session. Councilman Slutz.

18. ADJOURNMENT

COUNCILMAN SLUTZ – I would like to make a motion to adjourn the meeting.

COUNCIL PRESIDENT ISTNICK – Seconded by Councilwoman Litman. Meeting adjourned.

DIANE ROLLAND, COUNCIL CLERK

CLAUDETTE ISTNICK, PRESIDENT